IMT Nuremberg Archives

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International Court of Justice

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References:
V.B. Voelkischer Beobachter
F.Z. Frankfurter Zeitung
D.D.P. Dokumente der Deutschen Politik
R.G.Bl. Reichsgesetzblatt
N.S.K. Nationalsozialistische Korrespondenz

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List of documents exhibited in the presentation of the case against Bormann which constitute evidence against Hess and which are not included in the Trial Brief on Hess.

ASSOCIATION WITH S.D. AND GESTAPO

PS 3237 (Judicially noticed) Transcript 2784

Decree of Deputy of the Fuehrer 14 Feb 35:
"The Deputy of the Fuehrer expects that Party offices will now abandon all distrust of the S.D. and will support it whole-heartedly in solving the difficult tasks with which it has been entrusted in order to protect the interests of our people....." Signed Bormann.

PS 3239 (Judicially noticed) Transcript 2785

Decree of Deputy of the Fuehrer 3 Sep 35:
Party Agencies to report to Gestapo all persons criticising Nazi Party or its institutions.

PS 2346 (Judicially noticed) Transcript 2798

Decree of Deputy of the Fuehrer 7 Jan 36:
"If Parish Priests or other Catholic leaders adopt an attitude of hostility towards the State or Party it shall be reported to the Gestapo." Signed Bormann.

SUBVERSION OF CHURCHES

PS 107: US 351: Transcript 2790

Circular to all Reichsleiter and Gauleiter 17 June 38 with copy of directions re non-participation of Reich Labour Service in religious celebrations.

PS 116: US 685: Transcript 2792

Letter Bormann to Rosenberg 24 Jan 39 enclosing copy of Bormann's letter to Reich Minister for Knowledge and Education. Bormann asks for restrictions on theological faculties.

PS 122: US 362: Transcript 2792

Letter Bormann to Rosenberg 17 April 39 enclosing plan of the Reich Minister of Science Education and Training re proposed suppression of religious institutions.

PS 123: US 686: Transcript 2794

Letter Bormann to Minister of Education 23 June 39 ordering dissolution of a number of religious institutions.

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PS 099: US 688: Transcript 2794

Letter Bormann to Reich Minister for Finance 19 Jan 40 demanding increase of War Tax on Churches.

PS 066: US 689: Transcript 2795

Letter Bormann to Rosenberg 24 June 40 re proposed discriminatory law for churches in Danzig and West Prussia.

PS 1600: US 690: Transcript 2796

Letter Bormann to Dr.Posse of State Picture Gallery, Dresden, 16 Jan 41 re confiscation of property from convent in Hohenfurther near Kruman.

PS 101: US 361: Transcript 2797

Bormann letter 17 Jan 40 re Nazi Party's opposition to circulation of religious literature to members of Armed Forces.

PS 100: US 691: Transcript 2797

Letter Bormann to Rosenberg 18 Jan 40 re urgent demand for Nazi literature for army recruits to counter religious writings.

PERSECUTION OF JEWS

PS 1816: US 261: Transcript 2798

Minutes of conference on Jewish question 12 Nov 38 quoting letter from Chief of Staff of Deputy of Fuehrer "requesting that the Jewish question be now, once and for all, co-ordinated and solved, one way or another."

PS 069: US 589: Transcript 2799

Decree 17 Jan 39, signed Bormann, demanding compliance with new decrees denying Jews access to housing, travel and other facilities.

PS 3240 (Judicially noticed) Transcript 2800

Decree of Deputy of the Fuehrer, signed Bormann, 8 Jan 37, denying financial assistance to Government employees who employed Jewish members of the professions.

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List of documents exhibited in the presentation of the case against Bormann which constitute evidence against Hess and which are not included in the Trial Brief on Hess.

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PS 066: US 689: Transcript 2795

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PS 3240 (Judicially noticed) Transcript 2800

Decree of Deputy of the Fuehrer, signed Bormann, 8 Jan 37, denying financial assistance to Government employees who employed Jewish members of the professions.

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PART I - BIOGRAPHY

INDICTMENT APPENDIX A

The Defendant Hess between 1921 and 1941 was a member of the Nazi Party, Deputy to the Fuehrer, Reich Minister without Portfolio, member of the Reichstag, member of the Council of Ministers for the Defence of the Reich, member of the Secret Cabinet Council, Successor Designate to the Fuehrer after the Defendant Goering, a General in the SS and a General in the SA.

1. EARLY HISTORY TO 1923

26 Apr 1894	Born Alexandria	PS 3192
1908	Came to Germany for education	PS 3191
1914 - 1919	Served in German Army	
1919	Munich University (pupil of Haushofer). Became leader of Nazi organisation in Munich University (Voltz: Dates of the History of NSDAP 1939 p.15-16)	" PS 3132
1920	Joined NSDAP (Membership Card No.16) and was among the first SA. Leader of Students Corps of Police (Studenten-Hundertschaft). (Deutsche Fuehrer Lexicon 1934-5 p.25)	PS 3191
9 Nov 1923	Took part in Munich Putsch: sentenced to 18 months imprisonment of which 7 months served with Hitler in Landsberg during which Hitler dictated to him MEIN KAMPF (Voltz: p.15-21)	PS 3191 PS 3132

2. APPOINTMENTS 1923-1941

1925 - 1932	Private Secretary and A.D.C. to Hitler (Deutsche Fuehrer Lexicon 1934-5 p.25)	PS 3191
1932	Chairman of Central Political Committee of the Party in succession to Gregor Strasser (Voltz: p.45)	PS 3132

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5 Mar 33	Member of Reichstag (Der Deutsche Reichstag 1936 p.180)	PS 3192
21 Apr 33	Deputy to Fuehrer - which position he retained until 10 May 1941 (Hitler Decree 21 Apr 1933: NSK 27 Apr 1933 p.1)	PS 3196
1 Dec 33	Reich Minister without Portfolio (RGB 1933.1.1016)	PS 3178
4 Feb 38	Member of Secret Cebinet Council (D.D.P.VII.1.4)	PS 1389
30 Aug 39	Member of Council of Ministers for Defence of the Reich. (RGB 1939.1.1539)	PS 2018
1 Sep 39	Successor Designate to Fuehrer after Goering (D.D.P.1939 VII.1.264)	PS 3190
	S.S. and S.A. Obergruppenfuehrer (NSK 26 Sep 33)	PS 3198

3. AUTHORITY AND PERSONAL INFLUENCE

(a) AS DEPUTY TO THE FUEHRER (1933-1941)

"I hereby appoint.....Hess as my Deputy and give him full power to make decisions in my name in all questions of Party Leadership."
(Fuehrer Decree 21 Apr 33: NSK 27 Apr 33) PS 3196

Powers and Tasks of Deputy to the Fuehrer
See N.S.Year Book 1941 p.219-222 PS 3163

Offices and Organisation of Deputy to the Fuehrer
See Chart in Organisation Book of NSDAP 1939 p.151 PS 3201

(b) AS REICH MINISTER WITHOUT PORTFOLIO (1933-1941)

Law to secure the unity of Party and State 1 Dec 33. PS 1395
Hess' task was "to guarantee the close working cooperation of the Party and SA with the Public Authority." (RGB 1933.1.1016)

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(c) LEGISLATIVE POWERS

(i) Law for the Protection of People and State 24 Nov 33. PS 2001

Gave Hitler and his Cabinet plenary powers of legislation independently of the Reichstag. As member of Government Hess participated in the legislation under this decree. (RGB 1933.1.141)

(ii) Fuehrer Decree 27 July 1934 D 138

"I decree that the Deputy of the Fuehrer, Reich Minister Hess, will have the capacity of participating as Reich Minister in connection with the preparation of drafts for laws in all Reich administrative spheres. All legislative work is to be sent to him by the other Reich Minister concerned. This also applies to where no one else participates except the Reich Minister making the draft. Reich Minister Hess will be given the opportunity to comment on drafts suggested by experts. This order will apply in the same sense to legislative ordinances. The Deputy of the Fuehrer in his capacity of Reich Minister can send an expert on his staff. These experts are entitled to make statements to the Reich Ministers on his behalf.

Adolf Hitler."

(iii) Hess' speech

"National Socialism has seen to it that vital necessities of our nation can today no longer be talked to pieces by a Reichstag and made the object of the haggling of parties. You have seen that in the New Germany decisions of historic scope are made by the Fuehrer and his Cabinet.....decisions which in other countries must be preceded by Parliamentary debates lasting days and weeks."
(Hess' Speeches: Reden p.228) PS 2426

(iv) Hess' Order to Reich Minister for the Enlightenment of the people and propaganda, 9 Oct 1934. D 1[illegible]

"By a decree of the Fuehrer dated 27 July 1934 I have been granted the right to participate in the legislation of the Reich as regards both formal laws and legal ordinances. This right must not be rendered illusory by the fact that I am sent the drafts of laws and decrees so late and am then given a limited time, so that it becomes impossible for me to deal with the material concerned during the given time."

(3920

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"I must point out that my participation means the taking into account of the opinion of the NSDAP as such, and that in the case of the majority of drafts of laws and decrees, consult with the appropriate departments of the Party before making any comment. Only by proceeding in this manner can I do justice to the wish of the Fuehrer as expressed in the decree of the Fuehrer of 27 July 1934."

(v) Rechtseinrichtungen und Rechtsaufgaben der Bewegung — PS 1942

"From a special order from the Fuehrer, 6 April 35, this privilege of participation in government affairs by the Fuehrer's Deputy was expanded to include all executive decisions and orders insofar as they were published in the Reichsgesetzblatt. The Deputy of the Fuehrer can on his own initiative introduce bills, etc. regardless in what field; insofar as the good of the party is concerned, he is the man in charge.

Thus, the direct influence of the movement on the legislation and the executive branch was assured at a point where up to now the laws were an internal affair of the individual ministries. From now on, technical considerations or considerations of time cannot interfere with the requests and plans of the party."

(d) AS MEMBER OF SECRET CABINET COUNCIL

"To advise me in conducting the foreign policy I appoint a Secret Cabinet Council....."
(D.D.P.1939 VI.1.4)

PS 3189

(e) GENERALLY

NATIONAL ZEITUNG 27 April 1941:-

M 102

"A long while ago - it was still before the outbreak of war - Rudolph Hess was once called the "Conscience of the Party". If we ask why the Fuehrer's Deputy was given this undoubtedly honourable title the reason for this is plain to see: there is no phenomenon of our public life which is not the concern of the Fuehrer's Deputy. So enormously many-sided and diverse is his work and sphere of duty that it cannot be outlined in a few words. And it lies in the nature of the obligation laid on the Fuehrer's Deputy that wide publicity hears little of the activity of Rudolph Hess. Few know

GB 254

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that many Government measures taken, especially in the sphere of war economy and the party, which meet with such hearty approbation when they are notified publicly ....., can be traced back to the direct initiation of the Fuehrer's Deputy."

FILM: "THE NAZI PLAN"

PS 3054
US 167
Transcript 1262

4-YEAR PLAN

"In order to guarantee the coordination of the various economic agencies of the 4-year Plan, these agencies were formed into a General Council under the chairmanship of Goering. Its members are the State Secretaries of the agencies working in the field of war economy, the Chief of the Military Office of Economy and a representative of the Deputy of the Fuehrer....."

PS 2608

US 714

(Lecture by Frick 7 March 1940 at University of Freiburg)

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PART II - HESS' PART IN CONSPIRACY

INDICTMENT APPENDIX A

The Defendant Hess used the foregoing positions, his personal influence and his intimate connection with the Fuehrer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment; he promoted the military, economic and psychological preparations for war set forth in Count One of the Indictment; he participated in the political planning and preparation for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; he participated in the preparation and planning of foreign policy plans of the Nazi conspirators set forth in Count One of the Indictment.

1. ACQUISITION AND CONSOLIDATION OF CONTROL

By a series of decrees Hess obtained for the Nazi Government and for himself a decisive control over every aspect of public and private life in Germany, in order to subvert it to the aims of the conspiracy:-

(a) THE GAINING OF LEGISLATIVE CONTROL INDEPENDENTLY OF THE REICHSTAG

24 Mar 33 Law for the Protection of People and Reich — PS 2001

Hitler and his Cabinet acquire plenary powers of legislation independently of Reichstag. (RGB 1933.1.141)

(b) STRENGTHENING OF POLITICAL POWER OF THE NAZI PARTY

1 Aug 34 Law re the Sovereign Head of the German Reich — PS 2003

Office of Reich President consolidated with that of Reich Chancellor and transferred to Fuehrer. Signed by Hess (inter alia). (RGB 1934.1.747)

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20 Dec 1934 Law on Treacherous Acts against State & Party — PS 1393

Art.1. Penalties imposed for making false statements injuring prestige of Government, NSDAP or its Agencies.

Art.2. Penalties imposed for statements proving a malicious attitude against leading personalities of the State or NSDAP etc.

Art.7. Fuehrer's Deputy to issue necessary regulations.

Signed by (inter alia) Hess.
(RGB 1934.1.1269)

(c) THE GAINING OF CONTROL OVER GOVERNMENT APPOINTMENTS INCLUDING THE JUDICIARY AND UNIVERSITY TEACHERS

24 Sep 1935 Decree providing for the consultation of Hess in the appointment of Reich and Civil Servants. Signed by Hess. (RGB 1935.1.1203) — PS 3180

3 Apr 1936 Decree providing for Hess' participation in the appointment of Labour Service Officials. (RGB 1936.1.373) — PS 3182

14 Oct 1936 Decree signed by Hess regulating the status of Reich and State Civil Servants. (RGB 1936.1.893) — PS 3183

10 July 1937 Decree providing for Hess' participation in the appointment of Reich and Civil Servants. (RGB 1937.1.769) — PS 3184

(d) THE GAINING OF CONTROL OVER THE GERMAN YOUTH

10 July 1934 Hess decreed the appointment of a "University Commission of NSDAP" under his supervision. (Voltz: p.62) — PS 3132

18 July 1934 The "Nazi League of German Students" was directly subordinated to the Deputy of the Fuehrer and on 30 July assimilated into the Reich Direction and the Gau Staff of the NSDAP. (Voltz: p.62) — PS 3132

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14 Nov 1934 A sole representative for political and philosophical education of German students appointed. (Voltz: p.62) PS 3132

(e) ASSOCIATION WITH SA AND SS

Adolf Hitler fund for German Industry

Hess wrote, August 1933:-

"The fund rests upon an agreement between the Reich management of the NSDAP and leading representatives of German Industry."
Purpose:-" to put at the disposal of the Reich leadership the funds required for the unified execution of the tasks which fall to the lot of the SA., SS, etc. political organisations."
(Document captured in Krupp files) D 151

CB256

9 June 1934 Hess decree by which Security Service of the Reichsfuehrer SS was established as the sole political news and defense service of the NSDAP.
(see following document) PS 3385

14 Dec 1938 Hess decree by which the S.D. which Himmler had established, was taken on the establishment of the Party and to be organised by the SS.
(Decrees, orders, announcements, Vol.IV p.231) PS 3385

CB257

SS and SA Obergruppenfuehrer.

(f) SUBVERSION OF THE CHRISTIAN CHURCHES

The following Decrees etc. were issued by Hess or through his office aimed at the subversion of the influence of the churches over the people and in particular over the youth of Germany.
(Indictment para. IV (D) 3 (c) (2).

27 July 1928 Clergy to be ineligible for Party Office. PS 11[illegible]

14 July 1939 Clergy and others interested in the Church to be ineligible for Party Membership. Party Members entering the Church or taking up Theology will leave the Party. PS 840
US 335
Transcript p.1645
Doc Book V.

3 June 1939 Christian Scientists to be ineligible for Party Membership. PS 838

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22 Feb 1940	Letter Bormann to Rosenberg setting out suggestions and the views of the Deputy to the Fuehrer for introducing the teaching of National Socialist ideology in schools in place of religious instruction.	PS 098 US 350 Transcript p.163 Doc Book V
8 Mar 1940	Bormann's instructions against further issues of newsprint for confessional newspapers "which possess very doubtful value for strengthening the power of resistance of the people towards the eternal foe" as opposed to "literature politically and ideologically more valuable."	PS 089
25 Apr 1941	Religious services and prayers in schools being abolished and replaced by N.S.mottos. (Letter from Deputy to the Fuehrer's office to Fuehrer's commissioner for the supervision of mental and world philosophical training and education of NSDAP."	PS 070 US 349 Transcript p.1639 Doc Book V

(g) POLICY OF "MASTER RACE" AND PERSECUTION OF JEWS

17 Nov 1933 Office for Racial Policies of NSDAP set up by Hess

Objects: "The unification and surveillance of all training and propaganda tasks concerning population and racial policies."
(Organisationsbuch der NSDAP 1940 p.330) PS 3322

Hess' Speech

"The organisations of the NSDAP will be used for the enlightenment of the people in questions concerning the race and health of the nation and to increase the population.....Just as in the homeland, so in foreign lands, Germans influenced in the National Socialist sense..... are being educated in such a way as to make them proudly conscious again of the fact that they are Germans, to make them hold together and esteem each other. Thus they are being educated to put Germans above the subjects of a foreign nation regardless of their position or origin."
(Reden: Hess' speeches p.242-3) PS 3124

CB253

H1177 - 0024

THE NURNBERG DECREES

15 Sep 1935 — Reich Citizenship Law

Art.3:- "The Reich Minister for the Interior in conjunction with the Deputy to the Fuehrer will issue the necessary..... decrees for carrying out and supplementing this law.

(RGB 1935.1.1146)

PS 1416
(PS 1417)

" — Law for Protection of Blood and Honour

Signed by Hess. Legal and administrative instructions necessary for carrying out and supplementing law to be issued in agreement with Deputy to the Fuehrer.

(RGB 1935.1.1146)

PS 3179
(PS 200)

14 Nov 1935 — Ordinance under Reich Citizenship Law depriving Jews of the right to vote or to hold public office. Signed Hess.

(RGB 1935.1.1333)

PS 1417

20 May 1938 — Decree extending Nurnberg laws to Austria. Signed Hess.

PS 2124

H1177 - 0025

2. PLANNING AND PREPARATION OF AGGRESSIVE WAR

(a) REARMAMENT

20 Oct 1932 Report on the preparation of material and training of Air personnel to provide for the armament of the Air Force. Sent from Schickedantz to Hess via Rosenberg. — PS 1143, US 40, Transcript 421, Doc Book M

29 June 1934 Speech to Representatives of the Foreign Chambers of Commerce:-

"Germany alone shall decide German affairs. .....If we really determine to make ourselves independent of foreign countries, then we shall do it with the fixity of purpose which distinguishes Germany at all times when she feels herself threatened in the foundation of her existence."
(Voelkischer Beobachter 30 June 34) — M 103

16 Mar 1935 Decree for introduction of compulsory Military Service. Signed Hess. (RGB 1935.1.369) — PS 1654

12 Oct 1936 Speech at the inauguration of a new Adolf Hitler Hall at Hof.

"We are prepared in the future too, if need be, at times to eat a little less fat, a little less pork, a few eggs less, since we know that this little sacrifice is a sacrifice on the altar of the freedom of our people. We know that the foreign exchange which we thereby save expedites the output of armaments. The phrase still holds good today "Guns instead of butter".
(Frankfurter Zeitung 13 Oct 1936) — M 104

GB 260

1 May 1941 Speech at Meeting of Reich Chamber of Labour at Messerschmitt Works, Augsburg — M 105

"The German soldier must understand: for the uniqueness and the abundance of his weapons and of his material, for these he must thank the untiring efforts for many years of Adolf Hitler."
(Voelkischer Beobachter 2 May 1941)

GB 261

H1177 - 0026

(b) FOREIGN PENETRATION AND FIFTH COLUMN

(1) FOREIGN ORGANISATION OF NSDAP

As Deputy to the Fuehrer, Hess was responsible for the AUSLANDS ORGANISATION DER NSDAP (A.O.)

History of Nazi control of A.O.

See U.S.Department of State Publication 1864 entitled "National Socialism Basic Principles, their application by Nazi Party's Foreign Organisation and the use of Germans abroad for Nazi Aims" p.93-95 (Page 3 of Trans.) PS 3258

GB 262

Staff and Organisation

See Chart to Organizationsbuch der NSDAP 1938 p.145 PS 2354

Scope of the Organisation's work

1934 - Voelkischer Beobachter 24 May 34 PS 3401

GB 263

1937 - Hess' speech at A.O.Annual Assembly of Germans living abroad (U.S.Publication p.101. p.6 of Trans.) PS 3258

Various organisations were run by the A.O. in which Hess himself took interest:-

(2) VOLKSBUND FUER DAS DEUTSCHTUM IM AUSLAND (V.D.A.)

National League for Germandom abroad.

Responsible for "National work beyond the frontiers." Acted as a "camouflaged tool" for the Agency for Racial Germans (Volksdeutsche Mittelstelle) in work beyond the frontiers. "Outward appearance of connection with the party to be avoided."

(3) BUND DEUTSCHER OSTEN (B.D.O.)

German Eastern League.

Responsible for work and "political duties" on the border country. Frontier territory bureaux were established for, inter alia, East Prussia, Pomerania, Silesia, Sudetenland.

H1177 - 0027

(4) THE WORK OF THE V.D.A. AND B.D.O.

Letter signed Hess, 3 Feb 1939

"The activity of B.D.O. and V.D.A. is to be supported in every way by the Party Offices. The National Socialist leadership of both Associations will ensure energetic cooperation on their part in all tasks assigned to them by the NSDAP. Their nature is determined by considerations of foreign policy and the Associations must bear this in mind when representing them in public." PS 837

U.S. State Dept. Report (p.8 of Trans.) PS 3258

(5) DEUTSCHES AUSLANDS INSTITUT (D.A.I.)

Responsible for keeping information of cultural and business activities of Germans abroad.

SEE: U.S. REPORT (p.10 of Trans.) PS 3258

Closely associated with:-

(6) GERMAN - AMERICAN BUND

(Walter Kappe, former Press Chief of German-American Bund became Editor of D.A.I.'s periodical March 1932 - U.S. Report p.12 of Trans.) PS 3258

H1177 - 0028

3. OCCUPATION OF AUSTRIA

Autumn 1934 — Hess appointed Reinthaller as leader of the Austrian Peasants after the failure of the July 1934 rising. Reinthaller attempted to bring about a political appeasement by negotiations with the Government with the purpose of giving NSDAP legal status again, thus permitting its political activities. Simultaneously Reinthaller started the reconstruction of the illegal political organisation.

(Report by Rainer to Buerkel on events in the NSDAP in Austria, p.3 of Trans.)

PS 812
US 61
Transcript
p.504
Doc Book N

29 Mar 1938 — Foreign Office conference on Sudeten Questions

Policy in respect of Sudeten Germans discussed. Germany would not tolerate continued supression of Sudeten Germans. Essential to propose maximum programme which, as its final aim, grants full freedom to Sudeten Germans. Reich Cabinet should not appear to Governments in Prague, London and Paris as the advocate of Sudeten German demands. Henlein instructed to keep in closest touch with Foreign Minister and the head of the Central Office for Racial Germans. (Volksdeutsche Mittelstelle)

PS 2788
US 95
Transcript
p.786
Doc Book O

Note: For connection between Hess and Volksdeutsche Mittelstelle see PS 837 (first para.) Brief p.12.

H1177-0029

1936 Seyss-Inquart's meeting with Goering and Hess

Seyss-Inquart explained his plans for "the attainment of legal activity for the Austrian National Socialists independent of the Reich Party.....Hess expressed his interest and said to me amongst other things that he regretted that I was not one of the old fighters."

(Seyss-Inquart's statement 10 Dec 45 p.5)

PS 3254 US 704

12 Mar 1938 Entry of German Armed Forces into Austria

Hess and Himmler in Vienna by noon that day.

(Telegram U.S.Consul General in Vienna to State Secretary, 12 March 38)

L 292
US 78
Transcript p.586
Doc Book N

13 Mar 1938 Hess signed "Law for the Reunion of Austria with the German Reich"

(RGB 1938.1.237)

PS 2307

24 Jul 1938 Anniversary of Murder of Dolfuss

Hess speech at the Vienna celebrations included praise for the sacrifices of the people of Austria in the struggle for greater Germany, a defence of the occupation of Austria by Germany, and an attack on the lying foreign press and those who spread the idea of a new war.

(Report of U.S.Consul General in Vienna 26 July 1938)

L 273
US 59
Transcript p.487
Doc Book N

(4074)

H1177 - 0030

4. CZECHOSLOVAKIA

28 Aug 1938 — Hess' speech to Annual Meeting of the Foreign Organisation of the NSDAP
(U.S.Publication p.21-2 of Trans.) — PS 3258

1938 — Volksdeutsche Mittelstelle (Agency for Racial Germans) financed Henlein Party in Czechoslovakia
(Supplement No.2 to the official Czechoslovakian Report p.3) — PS 3061, US 126, Transcript p.932, Doc Book O

NOTE Volksdeutsche Mittelstelle controlled by Hess - see Hess letter re V.D.A. and B.D.O. (PS 837)

Summer 1938 — Continuous conversations between Henlein and Hitler, Hess, Ribbentrop to inform Reich Government of the political situation in Czechoslovakia.
(Czechoslovakian Report p.5) — do.

27 Sept 1938 — Secret mobilisation of the Army
Keitel wrote to Hess asking for Party assistance to mobilise secretly without issuing the code word.
(letter Keitel to Hess 27 Sep 1938) — PS 388, US 26 (item 32), Transcript p.775, Doc Book L

Sudeten Nazi Party absorbed into NSDAP
After the occupation of the Sudetenland the Henlein Party was absorbed into the NSDAP by Hess and the SA, SS, etc. established in Sudeten territory.
(Czechoslovakian Report p.5) — PS 3061, US 126, Transcript p.932, Doc Book O

HESS speech at initiation ceremony, 7 November 1938
(Voelkischer Beobachter 7 Nov 1938) — PS 320[illegible]

H1177 - 0031

14 Apr 1939 Decree incorporating Sudetenland. Signed by Hess. (RGB 1939.1.780) PS 3076

H1177 - 0032

5. POLAND AND ENGLAND

27 Aug 1939 — Speech at 7th Annual Meeting of the Foreign Organisation of the NSDAP. — M 107
(Voelkischer Beobachter 28 Aug 1939)

After the conquest of Poland, Hess signed the following decrees:-

1 Sep 1939 — Decree incorporationg Danzig into the Reich — PS 3077
(RGB 1939.1.1547)

8 Oct 1939 — Incorporation of Polish territories into the Reich. — PS 3078
(RGB 1939.1.2077)

12 Oct 1939 — Decree for Administration of Polish Territories — PS 3079
Regulations are to be made for "the planning of German Lebensraum and economic scope"(Art 6)
(RGB 1939.1.1547)

H1177 – 0033

PART III - WAR CRIMES AND CRIMES AGAINST HUMANITY

(Evidence given by British & U.S.Delegations only)

(a) WANTON DESTRUCTION

20 Nov 1939 Rebuilding of Warsaw or reconstruction of any industry in Poland refused. (Order of Hess) — EC 4[illegible] US 29, Transcript p.1515 Doc Book U

(b) PRISONERS OF WAR

13 Mar 1940 Secret instructions signed by Hess in the case of landings by enemy planes or parachutists:- "Enemy parachutists are immediately to be arrested or liquidated." — PS 062

(c) TREATMENT OF POLES AND JEWS IN OCCUPIED TERRITORIES

21 Feb 1940 Order issued by Hess through the Party Chancellery, demanding support from the Party office for recruiting for the Waffen SS. — PS 3245

"The units of Waffen SS, consisting of National Socialists, are more suitable than other armed units for the specific tasks to be solved in the occupied Eastern territories due to their intensive National Socialist training in regard to questions of race and nationality."

(Verfugungen, Verordnungen, Bekanntmachungen 1937, Vol.III, p.354)

GB 267

July 1940 Correspondence between Borman, for the Fuehrer's Deputy, and the Ministry of Justice in respect of the proper form of legislation for Poland, to discriminate between Poles and occupying troops. — R 139

H1177 - 0034

Penal Laws against Poles and Jews

R 96

GB268

See letter Reich Minister of Justice to Chief of Reich Chancellery 17 April 1941 - which shows Hess as familiar with discussions re Penal Laws in occupied territories:-

"Conditions prevailing in Eastern territories require special measures of penal law and procedure against Poles and Jews."

Poles and Jews to be treated differently from Germans in the sphere of penal law. Draft re criminal law enclosed.

"This draft represents an altogether special law both in the sphere of penal law and penal procedure. No.1 para.3 contains a general crime formula on the basis of which any Pole or Jew in the Eastern territories can in future be prosecuted and any kind of punishment can be inflicted on him for any attitude or action which is considered punishable and is directed against Germandom....."

"In accordance with the opinion of the Deputy of the Fuehrer, I started from the point of view that the Pole is less susceptible to the infliction of ordinary punishment....."

"As far as criminal procedure is concerned, the draft constitutes a clear expression of the political inequality of Germans on the one hand and Poles and Jews on the other."

"The introduction of corporal punishment which the Deputy of the Fuehrer has brought up for discussion has not been included in the draft, either as a form of criminal punishment or as a disciplinary punishment. I cannot agree to this type of punishment because its infliction does not, in my opinion, correspond to the cultural level of the German people."

(4062)

H1177 - 0035

PART IV - FLIGHT TO ENGLAND 10 MAY 1941.

HESS' EXPLANATION

That he came without Hitler's knowledge to persuade England to make peace and so save long war. England could not win. Fuehrer had never had any designs on England or British Empire.

HESS' PROPOSALS

1. Germany to be given free hand in Europe.

2. England to have free hand in Empire except for return of ex-German Colonies.

3. Russia to be included in Asia but Germany had certain demands to make on Russia which would have to be satisfied either by negotiation or as a result of war. There was, however, no truth in the rumours that the Fuehrer contemplated an early attack on Russia.

4. British to evacuate Iraq.

5. Peace Agreement would have to contain provision for reciprocal indemnification of British and German Nationals whose property had been expropriated as a result of war.

6. Proposal only valid if negotiated by a British Government other than the present (i.e. Mr.Churchill's)

(Statement of Secretary of State for Foreign Affairs in House of Commons 22 September 1943) D 614

PROSECUTION'S SUBMISSION

That Hess came to England to persuade England to make peace in order to facilitate the conquest of Russia, which by then had been fully planned and prepared.

The statement that there was no truth in the rumours that the Fuehrer contemplated an early attack on Russia was a lie and must have been known by Hess to have been a lie.

H1177 - 0036

In his positions as:-

Deputy Fuehrer
Successor Designate No.2 to the Fuehrer (since 1 Sep 39)
Member of the Secret Cabinet Council
Reich Minister without Portfolio
Member of the Council of Ministers for the Defence of the Reich

and particularly in view of his leadership of the foreign organisation, he must have known of the military economic and political plans and preparations which had been in the making since November 1940 and before, as has been shown by the following documents already submitted in evidence:-

November 1940	Goering informed General Thomas, State Secretaries Korner, Neumann, Backe and General von Hannekan of the action planned in the East. (Gen.Thomas: Basic facts of the history of German war and armament economy, p.10-11 of the translation)	PS 23[illegible] US 35 Transcript p.1185 Doc Book M&K
18 Dec 1940	OK Directive ordered preparations to be completed by 15 May 41	PS 446 US 31 Transcript p.1170 Doc Book L
3 Apr 1941	"Barbarossa" delayed for 5 weeks owing to Balkan operations (Naval War Diary 3 April 1941)	C 170 US 136 Transcript p.1178 Doc Book P
30 Apr 1941	D Day fixed for 22 June 1941 (Report of conference held by Chief of the section Landsverteidigung of the Wehrmacht Fuehrungsstab)	PS 873 US 137 Transcript p.1180 Doc Book P

INTERNATIONAL MILITARY TRIBUNAL

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1/12/46

BRITISH TRIAL BRIEF

RUDOLF HESS

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